

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are currently pending. Claims 1, 6 and 8 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,154,771 to Rangan et al. (hereinafter merely “Rangan”) in view of U.S. Patent No. 6,487,538 to Gupta et al. (hereinafter merely “Gupta”).

Applicant respectfully traverses this rejection.

- First Argument

Claim 8 is representative and recites, *inter alia*:

“discouraging illegitimate copying of the content files by superposing personal information, by the content provider, including a user-identification that identifies the corresponding user on the streaming content of the providing step so the superposed personal information is displaying when the streaming content is reproduced and identifies the source of the illegitimate copy;” (emphasis added).

The Office Action in “Response to Arguments” par. 4, contends “the technology exists to add any sort of data onto streaming data . . . ANY data may be chosen to be superposed upon the streaming data.” (Emphasis in original)

Applicant understands the Office Action intent and has amended the claim language. In particular, Applicant is not claiming the superposing of just any data on content; Applicant is claiming particular data that “discourage[es] illegitimate copying of the content,” which is achieved by the invention of superposing specific personal data on the content that “identifies the source of the illegitimate copy.” That is, specific data relates the illegitimate copy to the source of that illegitimate copy. This method of discouraging illegitimate copying is not recognized by the prior art.

Thus, in an aspect of the present invention, user's specific information is superposed onto the streaming screen while the content is being streamed for delivery. The delivered content is taken into the user's terminal together with the specific information about the user who has ordered the delivery including the user's identification. If the user makes an illegal copy of the acquired streaming screen and distributes the copy, the source of the unlawful distribution is immediately identified by the information. This feature serves as a deterrent against the illegal

copying of content files and the distribution of such illegal copies. Publ. App. pars. [0024] and [0078].

Further, the content provider superposes the user's personal data, not the user. That is, the discouragement of illegitimate copying is invoked by the content provider, which superposition is out of the control of the receiver of that content. Hence, the illegitimate copying is discouraged by identifying the source of the illegitimate copies.

Claim 8 is believed patentable over Rangan and Gupta because those references taken alone or in combination do not disclose each and every element recited in the claim.

Independent claims 1 and 6 are believed patentable for at least the same reasons as claim 8.

- Second Argument

Failing the first argument, Applicant requests reconsideration of his arguments presented in the reply to the prior Office Action.

The Office Action asserts "someone must inherently pay for the content in the Applicant's system." Applicant reserves the right to challenge the inherency at a later time. However, at this time Applicants note in their system, the corresponding user (the user who *receives* the content) is charged the usage fee proportional to the user area size. This is distinguishable from *Gupta* wherein, as pointed out in the Office Action, the content provider pays a fee.

Simply put, in the present application the user pays, in *Gupta* the provider pays.

Moreover, the Office Action asserts, “*Gupta* discloses . . . a tracking system to monitor a user’s credit history, earnings [etc.] . . . It still would have been obvious . . . that given the amount of information *Gupta* stores about a user profile, that the stored information **could be used** in a billing scheme where the user receiving the content would be charged for the use of the content.” (emphasis added). First, Applicant notes this is an expansion of the teachings of *Gupta*, there being no disclosure of such a billing scheme by *Gupta* as hypothesized in the Office Action. Second, in the present application the user is not being charged for the usage of the content but, rather, for the size of the space allocated to store the content.

Applicant respectfully requests reconsideration, if necessary, of the prior arguments in view of these additional comments.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-10 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'P. Levy', is written over a horizontal line.

By: _____

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